

House File 642 - Enrolled

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HOUSE FILE 642

AN ACT

RELATING TO THE REGULATION OF AGRICULTURAL SEED, BY PROVIDING
FOR PREEMPTION OF LOCAL LEGISLATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. INTENT. It is the intent of the general assembly in enacting this Act to accomplish uniformity in oversight and regulation of seed used in agriculture. It is not intended that this Act preclude a local governmental entity from pursuing governmental activities not in conflict with this Act.

Sec. 2. Section 199.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. a. "Local governmental entity" means any political subdivision, or any state authority which is not any of the following:

(1) The general assembly.

(2) A principal central department as enumerated in section 7E.5, or a unit of a principal central department.
b. "Local governmental entity" includes but is not limited to a county, special district, township, or city as provided in title IX of this Code.

NEW SUBSECTION. 11B. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

Sec. 3. NEW SECTION. 199.13A LOCAL LEGISLATION ==
PROHIBITION.

1. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification, or registration of an agricultural seed. A local governmental entity shall not adopt or continue in effect such local legislation regardless of whether a statute or a rule adopted by the department specifically preempts the local legislation. Local legislation in violation of this section is void and unenforceable.

2. This section does not apply to any of the following:

a. Local legislation of general applicability to commercial activity.

b. A motion or resolution that provides for any activity relating to agricultural seed which is owned by the local governmental entity and which is kept or used on land held by the local governmental entity.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 642, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK
Governor